

Application No. 09/813,743  
In Reply to USPTO Correspondence of April 14, 2005  
Amendment Dated July 13, 2005  
Attorney Docket No. 3583-010363

REMARKS

Claims 15-18 and 24-32 were pending in this application. Claim 32 is cancelled. Claims 15-18 are amended. No new subject matter is added by these amendments. Support for these amendments can be found in the drawings. Therefore, claims 15-18 and 24-31 remain in this application.

These amendments are based on recommendations provided by Examiners Banks and Rada in the interview of April 7, 2005. These claim amendments were faxed to Examiner Rada on May 24, 2005 as a proposed amendment but he requested that the amendments be formally submitted because he stated that these amendments would require further search and consideration.

35 U.S.C. § 101 Rejection

Claim 32 stands rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter.

While Applicant disagrees with this rejection, claim 32 has been cancelled by this Amendment, thus rendering this rejection moot.

35 U.S.C. § 103 Rejections

Claims 15, 17, 25 and 26 stand rejected under 35 U.S.C. § 103(a) for obviousness based upon United States Patent No. 4,953,852 to Donohue in view of United States Patent No. 4,693,443 to Drain, United States Patent No. 6,133,823 to Brown et al. and United States Patent No. 5,211,282 to Ting. In view of the above amendments and the following remarks, the Applicant respectfully requests reconsideration of this rejection.

Claim 15, as amended, is directed to an interactive computer-related stress relief device configured to be mounted on a desktop computer monitor of a computer system to relieve computer-related stress of a computer operator. The device comprises a substantially rigid support having a first end and a second end, with the first end comprising a substantially L-shaped member having a first side connectable with a top of a desktop computer monitor and a second side connectable with a side of the computer monitor. A

contact element is connected at or near the second end of the support. The contact element is a punching bag and includes a sound-producing device inside the punching bag such that a pre-recorded sound is emitted when the punching bag is struck.

The Donohue patent is directed to a conventional athletic striking bag that can be suspended from a rebound board or platform fixed at such a height above the floor that an "erect" boxer can comfortably sustain a steady regular series of strikes on the bag (column 1, lines 5-19). The Donohue patent further discloses several different mounting methods; however, each method of mounting requires that mounting plate 18 is parallel to upright surface 12. The Donohue patent does not teach or suggest a substantially rigid support having a first end and a second end, with the first end comprising a substantially L-shaped member having a first side connectable with a top of a surface of a computer monitor and a second side connectable with a side of a surface of a computer monitor as required by amended claim 15. The Drain patent, which is directed to an apparatus for retaining a sheet-like material to a surface, does not cure this deficiency. Further, the Brown patent, which is directed to an electronic novelty device to produce audible sounds, and the Ting patent, which is directed to a squeeze switch device for use in plush toys, do not teach or suggest a substantially rigid support having a first end and a second end, with the first end comprising a substantially L-shaped member having a first side connectable with a top of a surface of a computer monitor and a second side connectable with a side surface of a computer monitor.

Furthermore, Applicant does not believe that one of ordinary skill in the exercise or punching bag art would remotely consider attaching such a conventional device as the striking bag disclosed by the Donohue patent to the side of a personal computer monitor. These devices are designed, as clearly set forth in the Donohue patent, to train boxers in the art of punching and striking. Moreover, Applicant does not believe one of ordinary skill in the art of punching bags would consider attaching such a conventional punching bag to a computer monitor using the paper holding device disclosed in the Drain patent. Additionally, the electronic novelty device taught by the Brown patent and the squeeze switch device disclosed by the Ting patent are clearly designed to be attached to a flat surface and then contacted by an operator to cause activation. There is no teaching or suggestion in any of the cited references to place the sound device disclosed in the Brown patent or the switch device

disclosed in the Ting patent inside the striking bag disclosed in the Donohue patent and then attaching the striking bag to a personal computer monitor using the paper holder disclosed in the Drain patent.

Independent claim 17 is similar to independent claim 15 in that claim 17 is directed to an interactive computer-related stress relief device configured to be mounted on a desktop computer monitor of a computer system to relieve computer-related stress of a computer operator. The device comprises a support connectable with the desktop computer monitor and a contact element connected to the support. The support is an elongated, rigid member having a first end and a second end, with the first end comprising a substantially L-shaped member having a first side connectable with a top of the computer monitor and a second side connectable with a side of the computer monitor. The contact element is a punching bag movably connected to the support at a position spaced from the connector and the punching bag includes a sound-producing device. For substantially the same reasons as discussed above with respect to claim 15, Applicant does not believe the cited combination renders the invention of claim 17 obvious.

Claims 25 and 26 depend from independent claim 15 and are believed to be allowable for substantially the same reasons as discussed above with respect to claim 15.

Claims 16 and 28 stand rejected under 35 U.S.C. § 103(a) for obviousness based upon the Donohue patent in view of the Drain patent. In view of the above amendments and the following remarks, the Applicant respectfully requests reconsideration of this rejection.

Claim 16, as amended, is directed to an interactive computer-related stress relief device configured to be mounted on a desktop computer monitor of a computer system to relieve computer-related stress of a computer operator. The device comprises a support having a first end and a second end. The first end comprises a substantially L-shaped member having a first side connectable with a top of a desktop computer monitor and a second side connectable with a side of the computer monitor. A contact element is movably connected at or near the second end of the support. The contact element is a punching bag,

and the support is configured to maintain the punching bag at a spaced position from the monitor. Again, the Applicant traverses the rejection of claim 16 for substantially the same reasons as discussed above with respect to claims 15 and 17.

Claim 28 depends from independent claim 16 and is believed to be allowable for substantially the same reason as discussed above with respect to claim 16.

Claim 18 and 31 stand rejected under 35 U.S.C. § 103(a) for obviousness based upon the Donohue patent in view of the Drain patent and United States Patent No. 6,234,940 to Fotsis. In view of the above amendments and the following remarks, the Applicant respectfully requests reconsideration of this rejection.

Claim 18, as amended, is directed to an interactive computer-related stress relief device configured to be mounted on a desktop computer monitor of a computer system to relieve computer-related stress of a computer operator. The device comprises a support having a first end and a second end. The first end comprises a substantially L-shaped member having a first side connectable with a top of a desktop computer monitor and a second side connectable with a side of the computer monitor. A contact element is connected at or near the second end of the support. The contact element is a punching bag and includes display indicia selected from the group consisting of advertising logos, promotional logos, slogans, company names, service provider names, sports team logos, and sports team names.

The Donohue patent and Drain patent have been discussed above. The Fotsis patent is directed to a training bag to provide a martial artist or boxer with a training apparatus that simulates the response of the human body when struck (see column 1, lines 4-8). The Fotsis patent fails to cure the deficiencies of the Donohue patent and Drain patent in that the Fotsis patent does not teach or suggest a substantially rigid support having a first end and a second end, with the first end comprising a substantially L-shaped member having a first side connectable with a top of a surface of a computer monitor and a second side connectable with a side surface of a computer monitor.

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Claim 31 depends from independent claim 18 and is believed to be allowable for substantially the same reason as discussed above with respect to claim 18.

Claim 24 and 29 stand rejected under 35 U.S.C. § 103(a) for obviousness based upon the Donohue patent in view of the Drain patent and the Brown patent as applied to claims 15 and 17, and further in view of the Fotsis patent. In view of the above amendments and the following remarks, the Applicant respectfully requests reconsideration of this rejection.

Each of claims 24 and 29 includes the limitation that the indicia is selected from the group consisting of advertising logos, promotional logos, slogans, company names, service provider names, sports team logos, and sports team names. Claim 24 depends from claim 15 and claim 29 depends from claim 17. Applicant believes these claims are patentable over the cited prior art for substantially the same reasons as discussed above with respect to independent claims 15 and 17, from which they depend.

Claim 27 stands rejected under 35 U.S.C. § 103(a) for obviousness based upon the Donohue patent in view of the Drain patent as applied to claim 16 above, and further in view of the Fotsis patent. In view of the above amendments and the following remarks, the Applicant respectfully requests reconsideration of this rejection.

Claim 27 includes the limitation that the indicia is selected from the group consisting of advertising logos, promotional logos, slogans, company names, service provider names, sports team logos, and sports team names. Claim 27 depends from claim 16. Applicant believes this claim is patentable over the cited prior art for substantially the same reasons as discussed above with respect to independent claim 16, from which it depends.

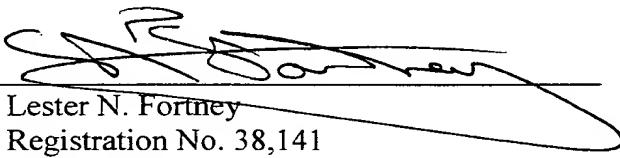
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**CON CLUSION**

Based on the foregoing amendments and remarks, reconsideration of the rejections and allowance of pending claims 15-18 and 24-31 are respectfully requested.

Respectfully submitted,

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